

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

AUG 25 2008

LATOYA ROBERSON, on behalf of)
C.R., a minor child,)
Plaintiff,)
vs.)
MICHAEL J. ASTRUE,)
Commissioner of Social Security)
Administration,)
Defendant.)

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY W.H. DEPUTY

No. CIV-07-810-W

ORDER

On June 17, 2008, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation and recommended that the Court affirm the decision of the defendant, Michael J. Astrue, Commissioner of the Social Security Administration ("Commissioner"), denying the Application for Supplemental Security Income filed by plaintiff Latoya Roberson on behalf of her minor child, C.R. The parties were advised of their right to object to the Report and Recommendation, and the matter now comes before the Court on Roberson's Objection.

The Court must "review the Commissioner's decision to determine whether the factual findings are supported by substantial evidence in the record and whether the correct legal standards were applied." Watkins v. Barnhart, 350 F.3d 1297, 1299 (10th Cir. 2003)(citation omitted).

"Under the regulations, the agency rulings, and . . . [Tenth Circuit] case law, an [administrative law judge ("ALJ")] 'must give good reasons in [the] notice of determination or decision' for the weight assigned to a treating physician's opinion." Id. at 1300 (quoting

20 C.F.R. 404.1527(d)(2))(other citations omitted). In this connection, "the notice of determination or decision 'must be sufficiently specific to make clear to any subsequent reviewers the weight the . . . [ALJ] gave to the treating source's medical opinion and the reasons for that weight.'" Id. (citation omitted).

In the instant case, the ALJ repeated in his decision the findings and opinion of Dr. Al-khoury, C.R.'s treating physician, but made no findings regarding, and offered no explanation for, the weight, if any, that he assigned to Dr. Al-khoury's opinion. Because the ALJ failed to comply in his written decision with the applicable "regulations, . . . agency rulings, and . . . case law," which "give guidance on the framework an ALJ should follow when dealing with treating source medical opinions relating to the nature and severity of impairments," id., the Court cannot find that "the ALJ applied the correct legal standards in considering Dr. [Al-khoury's] opinion." E.g., 350 F.3d at 1301 (court cannot meaningfully review ALJ's determination absent findings explaining weight assigned to treating physician' opinion).

Accordingly, the Court, without addressing the remaining issues raised by Roberson in her objection filed on July 3, 2008,

- (1) DECLINES to adopt the Report and Recommendation issued on June 17, 2008;
- (2) REVERSES the decision of the Commissioner denying the Application for Supplemental Security Income filed by Roberson on behalf of her minor child, C.R.; and
- (3) REMANDS this matter to the Commissioner for a new hearing.

ENTERED this 25th day of August, 2008.



LEE R. WEST
UNITED STATES DISTRICT JUDGE